



NEWS

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See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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FCC ACTS ON QUALCOMM PETITION REGARDING INTERFERENCE PROTECTION REQUIREMENTS IN THE 700 MHz BAND

Washington, D.C. – Today, the Federal Communications Commission (FCC) granted in part and denied in part a Petition for Declaratory Ruling (Petition) filed by Qualcomm Incorporated (Qualcomm) regarding the requirements for interference protection in the 700 MHz band. Qualcomm is a Lower 700 MHz Band licensee and is seeking to deploy a mobile multimedia service called MediaFLO using this spectrum.

Qualcomm holds Lower 700 MHz Band licenses that together cover the entire United States and has announced plans to deploy, through its wholly-owned MediaFLO subsidiary, a nationwide multimedia network delivering video, audio, and data content to mobile phones. MediaFLO is designed to use Qualcomm's 700 MHz spectrum license for downlink (base station to mobile) communications and existing mobile telephone networks for uplink (mobile to base station) communications. Because Qualcomm's licenses cover TV/DTV Channel 55 of the 700 MHz Band, the company must protect broadcasters on Channels 54, 55 and 56 from interference using the criteria set forth in the FCC's rules.

In today's action, the FCC acted on Qualcomm's petition seeking relief from certain provisions of these interference protection rules. First, the FCC declared that Office of Engineering and Technology Bulletin No. 69 (OET-69), with certain modifications, is an appropriate methodology for demonstrating whether the MediaFLO system complies with the FCC's rules on interference protection in the 700 MHz Band. OET-69 is an established engineering methodology for making radio field strength predictions relating to the broadcast television service. Additionally, the FCC and its licensees have substantial experience with its implementation, particularly as it relates to predicting interference to television service from transmitters located both outside and inside another station's service contour. Given the particular characteristics of MediaFLO signals, which share many similarities with broadcast digital television signals, the FCC has determined that use of OET-69 is appropriate for demonstrating whether MediaFLO will comply with the interference protection requirements in markets where Qualcomm seeks to operate during the DTV transition.

Second, the FCC declined Qualcomm's request to declare that predicted interference to not more than two percent of the population served by a TV/DTV station is *de minimis* and therefore acceptable. However, the FCC granted Qualcomm a limited waiver using a measured approach where the allowable predicted interference to a TV/DTV station's service caused by the MediaFLO system will increase incrementally each year from the release of today's Order until the end of the DTV transition in February 2009: 0.5 percent of the population within the

TV/DTV station's Grade B contour for the first year, 1.0 percent for the second year, and 1.5 percent for the remainder of the DTV transition. Qualcomm is not permitted to cause new interference to any broadcast facility that is entitled to protection and either already experiences interference to 10 percent or more of its Grade B service population, or would experience interference in excess of 10 percent of its Grade B population as a result of MediaFLO.

Finally, Qualcomm had requested that the FCC establish streamlined processing procedures for any OET-69 showings, including a rebuttable presumption that such showings are sufficient when no objections are filed with the FCC. Because Qualcomm's request for a *de minimis* interference exception was granted solely to Qualcomm through a waiver, rather than declaratory ruling, the FCC declined to establish streamlined processing of applications.

Action by the Commission on October 12, 2006, by Order (FCC 06-155). Chairman Martin and Commissioners Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin and Commissioner Copps.

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